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IMPUNITY AND DEMOCRATIC QUALITY IN LATIN AMERICA (2015-2021): PATTERNS OF CONVERGENCE AND DIVERGENCE

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ABSTRACT

In 2019, a wave of protests broke out in many countries in the Latin American region. It started in Chile and spread to Bolivia, Ecuador, and Colombia. In 2020, it spread to more countries in the region: Argentina, Brazil, Panama, Honduras, and Peru. Even today, outbreaks of violence can still be observed across the region. Although they have different origins and consequences, common elements can be observed. The origins of the problem can be traced back to the linkage between two variables: one related to the malfunctioning of the region's justice systems as reflected in the levels of impunity. The other factor is the quality of Latin American democracies. The aim of this piece of work is to explore the possible relation between those two factors for Latin-American countries between 2015 and 2021. To do this, certain variables of both aspects are studied through Pearson's Correlations. The result of the statistical analysis is shown and discussed in the main part of the paper. Finally, some ways of action are proposed to try and give a possible solution to this problem.

Keywords: Latin America, quality of democracy, impunity, Rule of Law, functioning of government.

INTRODUCTION

In 2019, a wave of protests broke out in many countries in the Latin American region. It started in Chile and spread to Bolivia, Ecuador, and Colombia. In 2020, it spread to more countries in the region: Argentina, Brazil, Panama, Honduras, and Peru. In 2021, it did not stop, and even today, outbreaks of violence can still be observed across the region. Although they have different origins and consequences,

common elements can be observed: they are all an expression of deep frustration with the political status quo (Armendariz, 2020). Among the main reasons for this social upheaval, perhaps the most frequently mentioned are the problem of corruption, mismanagement of the state apparatus, poor access to justice, the economic needs of the population and, most recently, the curtailment of freedoms to manage the Covid-19 pandemic¹. This situation of a perceived neglect of the needs of the population has led many citizens to take to the public space and become street "heroes" (Venkatesh, n.d.). However, the threat to democracy is also given by these protest movements, which generate a feeling of insecurity in part of the population that leads them to see authoritarian options as the solution to maintain order and governability (Armendariz, 2020). For example, in the LAPOP 2018 report, the country with the highest percentage of people who responded that democracy is the best form of government was Uruguay, with only 46%. Peru had the lowest percentage in the Americas with only 10.2%.

The origins of the problem can be traced back, with an exercise of scientific parsimony and an awareness of its limitations² both theoretical and empirical, to the linkage between two variables³. One relates to the malfunctioning of the region's justice systems as reflected in the levels of impunity. The other factor is the quality of Latin American democracies. Thus, it is worth asking what impact the former has on the latter. High levels of impunity could be diminishing the quality of democracy (Diamond & Morlino, 2004; Diamond, Hartlyn, & Linz, 1999), and this could ultimately translate into the multiplication, due to citizen dissatisfaction, of the social conflicts mentioned before. It is on this relationship that this paper focuses; that is, on how higher levels of impunity correspond to lower levels of democratic quality⁴.

In order to study the recent evolution of the relationship between the two variables, researcher have taken data from two prestigious databases. The first is the Global Impunity Index produced by the University of the Americas. The second is the Freedom in the World report by Freedom House⁵. With the data obtained from these reports, Pearson correlations have been developed to determine the possible associations between these factors and their distribution patterns within this geographical region.

As a structure, to arrive at the analysis, first, a conceptual approach to the subject has been made and its importance in the Latin American context has been pointed out. This lies in the fact that, although almost all the countries in the region have consolidated their democracy in the region, it is important for the region as a whole⁶, the quality of these would be affected by levels of impunity. Some theoretical

¹ A clear example of this dissatisfaction is reflected in the protests in Cuba over the lack of attention to the health problem and the terrible lack of basic services and goods for the population, despite being the first and only Latin American country with advances in the production of vaccines against Covid-19 (Biderbost, 2021).

² Some limitations of the present research will be pointed out in a timely manner, suffice it here to note that, while acknowledging both theoretical and methodological limitations, the study succeeds in illustrating a problem that can and should be studied.

³ The variables chosen are relevant in that they represent region-wide problems that do not allow democracy to be fully realised and thus prevent governments from fulfilling their main objective: to satisfy the basic needs of their citizens.

⁴ While it is true that this research focuses on one cause, it is relevant to recognise that this is a multi-causal relationship and that the one studied here is not a single explanatory cause; however, it is one to be considered and studied.

⁵ It is true that there are studies that have addressed possible bias in the assessment made by Freedom House (Steiner, 2016; Giannone, 2010). However, the reports of this think tank have been used extensively by other authors (Levine & Molina, 2007; Diamond, et al., 1999; Inglehart, 2003). It is also a source used and recommended by Robert Dahl (2012) as a "useful, readily available and up to date" source. On the other hand, while other reports could be chosen, there will always be some bias on the part of the evaluator.

⁶ It is pertinent to refer briefly to what is meant by consolidated democracy. Firstly, as Linz and Stepan (1996) point out, one cannot speak of the consolidation of a democracy if three basic requirements are not first met: a) a genuine state must exist for democracy to exist; b) consolidation cannot be spoken of until a democratic transition

conceptions linked to the indices used, their variables and the interpretation generally given to them have been explained.

Then, the general and specific objectives of the study and the study hypothesis were outlined. Next, the study question was posed, and the methodology used to carry out the research was explained. The data collection, analysis and visualisation techniques are described here.

The central part of the paper is the analysis and discussion section. In this section the findings are presented, and some interpretations are discussed. First, the relationship between the overall indices is presented. Then, the relationship between the global impunity index and specific variables within the quality of democracy is discussed: the first, between impunity and the rule of law; the second, between impunity and the rule of law; and the third, between impunity and the rule of law⁷; the latter, between impunity and government functioning. In this analysis, tables and scatter plots are included to better visualise the correlations mentioned here.

Finally, some conclusions drawn from the analysis of the correlations are outlined. Some ways in which this problem can be tackled through public policies are also discussed. It also discusses the advantages of the approach taken in the present work, as well as its limitations.

IMPUNITY AND THE QUALITY OF DEMOCRACY: A THEORETICAL APPROACH

Among the objectives of the Organisation of American States (OAS), the promotion and consolidation of democracy is mentioned as its cornerstone⁸. The truth is that in almost all Latin American states,

has been fully completed, which is reflected in free and competitive elections; and c) those who govern must do so in a democratic manner, i.e. respecting the constitution, national and international laws, without abuses of power, etc. Originally, the term "consolidated democracy" was used to refer to the challenge of securing the democracy reconquered during the third democratic wave and avoiding a regressive wave (Schedler 1998). To this we need to add something else, or rather, to delimit well what a consolidated democracy is. Basically, it refers to a political regime in which democracy, as a complex system of institutions, rules and patterns of incentives and disincentives, has become the only possible system, or "the only game in town" (Linz & Stepan, 1996).

It is useful to make a clarification at this point, although the text goes into more detail on the subject. While it is true that the region is moving towards consolidation, today there is a growing "wave" of democratic regression. For example, according to the latest Democracy Index of the Economist Intelligence Unit (2022), Latin America has marked its seventh consecutive year of decline, and more and more countries in the region are classified as authoritarian or hybrid regimes (12 out of 24), only 3 are considered full democracies and 9 are flawed democracies (The Economist Intelligence Unit, 2023).

⁷ Although this will be clarified in the respective section, it is pertinent to point out that, although it may seem that one variable is contained within another, the truth is that both, for the purposes of this research, assess different aspects and, therefore, there would be no endogeneity. Broadly speaking, and pending clarification in the relevant section, while impunity measures ratios related to the prosecution of crime - above all - the rule of law measures perceptions of equality before the law, fairness of justice systems, among others.

⁸ Article 2, b of the Charter of the Organisation of American States: The Organisation of American States, to realise the principles on which it is founded and to fulfil its regional obligations under the Charter of the United Nations, establishes the following essential purposes: [...] b) To promote and consolidate representative democracy with respect for the principle of non-intervention.

Furthermore, on its website, the OAS states that "[d]emocracy is the cornerstone of the Organization, and therefore the strengthening of democracy and the promotion of good governance is one of its principal tasks". (Organisation of American States, 2021)

democracy is already consolidated⁹. This is not to say that the academic study of democracy should be abandoned. As democracy has shown signs of durability in Latin America, the focus of academic work has also tended to shift from a concern with transition and consolidation towards an interest in the quality of new or re-established democracies (Levine & Molina 2007). Especially as these are in constant danger no longer from military coups and other violent forms of power capture that have all but disappeared. Most countries hold elections regularly. However, democracies continue to fall to authoritarianism, no longer at the hands of generals and soldiers, but through the action (or inaction) of legitimately elected governments (Levitsky & Ziblatt, 2018).

In this line of thought, it is important to work on this aspect in the Latin American region, because although we talk about consolidated democracies, we also talk about very fragile institutions throughout the region, which is reflected in the many corruption scandals that cover almost all Latin American countries. Similarly, if one compares the period of democratic transition experienced by South and Central America since 1978¹⁰ with the setbacks experienced in the last ten years, one could point to a deterioration in the health of Latin America's political regimes¹¹. All of this is evidenced by the wave of protests in various countries in the region between 2019 and 2021. Of course, when talking about such a varied region, it is important to note that there are great differences between countries with respect to the state's capacity to move in the direction of a legitimate democracy with high levels of social acceptance, and of governability (Domingo, 2006).

A good or quality democracy can be translated into a legitimate and stable regime. That is, a state in which citizens are satisfied because the elected rulers are able and willing to address their needs through institutional channels (quality of results). Moreover, citizens enjoy freedom, citizenship, and human rights beyond the bare minimum (quality of content). Similarly, citizens must be empowered to monitor and evaluate, through elections, the development of state activities and the rule of law (Santander and Domínguez 2017). In this sense, the question to be asked when talking about the quality of democracy is what kind of nation and society are desirable. Therefore, the question is what kind of state is necessary to achieve these ends (Domingo, 2006).

However, when talking about the quality of democracy, it is necessary to recognise two key elements in its concept. These elements are interrelated and do not function without each other. The first is the institutional component, which refers to the structural and institutional opportunities that enable democratic governance. The second is the civic component. This refers to the way in which citizens intervene and bring to life the institutional opportunities for democratic governance to occur (Mayne & Geissel, 2018).

⁹ At this point, it is interesting to review the Democracy Index produced by the Economist Intelligence Unit. This index ranks Venezuela 147th out of 167 with a government classified as authoritarian. Cuba is ranked 137th, Nicaragua 143rd, Haiti 135th with a government classified as authoritarian (unlike the 2021 report which still classified it as hybrid). Bolivia is ranked 100th (previously 94th) with a regime classified as hybrid, Honduras 91st, El Salvador 93rd (previously 77th). These are all countries in the Latin American region considered authoritarian or hybrid (The Economist Intelligence Unit, 2022; The Economist Intelligence Unit, 2023).

¹⁰ Since 1978, Latin American countries have needed to undertake political and electoral reforms to balance, adjust and synchronise their political systems to the new social realities and demands of citizens (Zovatto, 2010). This period is known as the third democratic wave. It began with the opening of the political system in the Dominican Republic, which brought about the fall of Joaquín Balaguer's dictatorship. The Dominican Republic was followed by Ecuador in 1979, Peru in 1980, Bolivia and Honduras in 1982, Argentina in 1983, Brazil in 1985, Paraguay in 1989 and Chile in 1990 (Lara Otaola & Marroquín Bitar, 2020).

¹¹ This is a trend that has been registered globally, not only in Latin America.

The liberal current has embraced a minimalist and procedural definition of democracy (Domingo, 2006). The focus on procedures and the rights necessary for them to operate focuses attention on two key issues. The first concerns the conditions and processes for deciding who governs. The second concerns how groups and individuals can operate to influence government decision-making (Levine & Molina 2007). Liberal democracy is based on the rule of law¹², which should provide for political and legal equality and the subjection of public action to the law (Carrillo-Flórez, 2006).

Democracy can thus be defined as a system of representation with universal adult participation, under clear and equal rights and rules (Levine & Molina, 2007). In this sense, equality should be defined as respect for fundamental rights, and the essence of democracy in terms of its quality will be determined by the observance of such principles (Carrillo-Flórez, 2006).

The quality of democracy is given by the extent to which citizens can exercise informed participation in free, fair, and regular election processes, and influence public policy decision-making. Likewise, these decisions must be accountable and responsive to the will of the people (Levine & Molina 2007).

In the political sphere, accountability must have two basic dimensions. The first is the obligation of politicians and officials to report on and justify their decisions (answerability). The second is the ability to sanction them in case they have violated their public duties (enforcement)¹³. Accountability is a necessary condition for contemporary democracies (Santander & Domínguez 2017). Indeed, it is the fundamental mechanism for stabilising competitive regimes, while effective competition between parties and effective participation translates into a reinforcement of accountability (Pérez-Liñán & Smith, 2018). The concept of the quality of democracy could be synthesised in a certain way in the strengthening of popular sovereignty, political equality, and the system of human rights protection (Villoria, 2018).

It is important to clarify that the study of the quality of democracy also requires the recognition that the various forms of democracy cannot be pigeonholed into a binary formula of democracy and authoritarianism (Silva, 2017). Indeed, not everything that is not democracy can be called authoritarianism; similarly, not everything that is not authoritarianism can be called democracy¹⁴ (Pachano & Anselmi, 2017). This leads to the need to assess democracy based on different levels of quality rather than pigeonholing this study into an unrealistic polarity.

In Latin America, the main threat to democracy does not come from the coups d'état that marked previous eras. The threat now comes mainly from authoritarian governments¹⁵ that come to power

¹² It bears repeating that, although this is an issue that will be clarified later, impunity and the rule of law are variables that, for the purposes of this paper, measure different issues and therefore one is not contained in the other.

¹³ Answerability and enforcement are dimensions of accountability. Accountability, in general terms, is the relationship between two groups of people or organisations in which one agrees to keep the other informed, to provide explanations for their decisions and to be subject to any sanctions imposed on them. In short, it is an exchange of responsibilities and potential sanctions between those who govern and citizens (Schmitter, 2004).

¹⁴ There are regimes that are described as hybrid regimes. These are regimes in which the electoral process is often marred by irregularities that make them neither free nor fair. In addition, there is often government pressure on opposition candidates or parties. Corruption is common and the rule of law is weak. There is usually also pressure on the media and justice systems are not independent. (The Economist Intelligence Unit, 2022; The Economist Intelligence Unit, 2023).

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through legitimate elections and within a framework of guaranteed civil and political liberties (Pachano & Anselmi, 2017). Usually, the assault on democracy takes place very discreetly, step by step undermining democracy with a halo of legality that makes the threat almost imperceptible to citizens (Levitsky & Ziblatt, 2018). In the face of threats, the response should be more and better democracy, which necessarily leads to talk of the quality of democracy. It also implies the need to establish ways to overcome 'minimal democracies' (Villoria, 2018).

Hence, the study of the quality of democracy in Latin America is important. It allows a more accurate approach to problems that have not been resolved with respect to the construction of citizenship and democratic institutionalism (Domingo, 2006). Today this study is also important because, in the context of the Covid-19 pandemic declared by the World Health Organisation (WHO), the exceptional measures to contain the disease have clearly endangered democracies, especially in Latin America¹⁶ (Verdes-Montenegro, 2020). Governments have suppressed, almost without legislative control, by means of executive decrees, rights, and freedoms among which freedom of expression and information, for example, have been put at risk. This right to information does not exclusively encompass the possibility of requesting information from a public institution; it implies the responsibility of the state to produce relevant information, to publish the information in a simple and understandable way, and to create a context in which this information is credible, relevant, and timely (Martins, 2020). This information should include accountability for public spending.

Back to the OAS, the OAS points to justice as one of its most basic principles¹⁷. This is a concept related to a fundamental aspect of the quality of democracy, which is the rule of law and the possibility of judicial claims to ensure the legality of government activity (Levine & Molina 2007). In this sense, rulers are subject to scrutiny and face possible irregular acts, which leads to the other variable of this paper. This is the impunity index, which measures, among other things, the proper functioning of the administration of justice in states.

Impunity is a social problem that is beginning to be studied in greater depth by the United Nations due to its interrelation with other problems such as the weakness of the rule of law. However, impunity has not been easily studied because it involves acts and omissions by the three classic branches of government (Le Clercq, Cháidez, & Rodríguez, 2016). The development of the democratic state has been limited by the exclusionary vision of political and economic power groups that act with impunity (Domingo, 2006).

on the media and justice systems are not independent. (The Economist Intelligence Unit, 2022; The Economist Intelligence Unit, 2023).

¹⁶ As Verdes-Montenegro mentions, it is the adoption of exceptional measures on public health grounds - to deal with the pandemic - that puts Latin American democracies at risk of regression. These measures include, for example, the extension of executive powers with little or no control or supervision; or the restriction of certain citizens' rights such as freedom of assembly, freedom of movement; and in some cases, even the restriction of freedom of expression. These measures, moreover, often share a characteristic that makes them more dangerous; this is their opaque nature and the lack of information about them (Verdes-Montenegro, 2020).

¹⁷ Regarding justice, the Charter of the Organisation of American States states in its preamble that "juridical organisation is a necessary condition for security and peace, founded on moral order and justice". Similarly, Article 1 states that "[t]he American States enshrine in this Charter the international organisation which they have developed to achieve an order of peace and justice [...]". Finally, paragraph n) of the same article establishes that the education of peoples should be directed towards justice, freedom, and peace.

Likewise, the Organisation's website states that "[j]ustice and the rule of law are two fundamental pillars of a free state. Without a just and prudent system, no country can be considered truly free and democratic. The OAS seeks to assist Member States by strengthening these principles". (Organisation of American States, 2021)

Acts of corruption therefore undermine the proper functioning of public administration. It is the public administration that is responsible for public services, the protection of citizens' rights, as well as their promotion and development (Torres, 2019). This problem is particularly relevant in the case of disasters, such as earthquakes, floods or - as in recent years - pandemics. In these cases, the extraordinary flow of resources to address the emergency, coupled with immediate contracting mechanisms and reduced institutional controls, facilitate acts of corruption. Moreover - and this is the most serious aspect - this occurs at the expense of the basic services and necessary care required by the population, especially in historically marginalised sectors (Biderbost, Boscán, & Rochin, 2020).

In this sense, it can be said, in the case of Latin America, that the level of corruption is linked to the level of judicial inefficiency. An effective and honest judicial system reduces levels of corruption, while high levels of corruption reveal a damaged and ineffective judicial system to hold a government accountable (Levine & Molina, 2007). To this should be added the fact that the depoliticisation of judicial appointment processes in the region is not such. This becomes visible when one looks at the normative frameworks that govern these processes. These judicial appointment mechanisms, which remain political, do not only affect the quality of those who hold these positions. This politicisation also affects the independence and impartiality that would be expected of a judge in the cases he or she hears (Pásara & Feoli, 2013).

Impunity is often defined as the absence of punishment for the commission of an offence. This can be categorised as a "thin" definition. However, this type of definition presents difficulties because they are definitions that refer to a purely punitive sense of justice. In this sense, what matters is the punishment in terms of the number of sentences passed out of the total number of crimes committed. Furthermore, this type of definition prevents an understanding of the repercussions that this phenomenon can have in the political, institutional, social, and economic spheres, in addition to the purely legal sphere (Le Clercq, 2018).

In this field, this work is important because, although Latin American judicial systems seem to work, the fact is that it is not normal to have so many political actors facing judicial processes¹⁸, which would indicate that either the political class is dysfunctional, or that there is a problem in the functioning of the institutions for the administration of justice. The latter becomes evident if one only looks at the excessive procedural burden of judges in the region or the number of people imprisoned without a conviction. In fact, the UN reported in 2020 that among the institutions most affected by corruption are the judiciary and the police (United Nations, 2020).

INDICATORS OF QUALITY OF DEMOCRACY

Regarding the quality of democracy, this paper is based on Freedom House's Freedom in the World reports. These reports are composed of numerical scores and descriptive text for 195 countries. It is based on field research, consultations with local contacts, news reports, NGOs, and governments¹⁹. For each country, Freedom in the World analyses the electoral process, political pluralism and participation, the functioning of government, freedom of expression and belief, rights of association and organisation,

¹⁸ An illustrative case is that of Peru. Here, all the presidents from 1990 to 2022 are in prison, under house arrest or in criminal proceedings linked to the exercise of power and, in the case of Pedro Castillo, for attempting a coup d'état. The only exception is Alan García, who committed suicide in 2019 while the police and prosecutors raided his home.

¹⁹ These are perceptions, especially.

the rule of law, and personal autonomy and individual rights (Freedom House, n.d.). This report assesses the rights and freedoms that citizens enjoy. The report does not go into evaluating the performance of governments per se (Freedom House, 2021).

The aspects covered by the Freedom House report are a) electoral process; b) political pluralism and participation; c) functioning of government - these within the political rights group; d) freedom of expression and belief; e) associational and organisational rights; f) rule of law; and g) personal autonomy and individual rights - these within the civil liberties group. The scores for each section are summed up and captured in the Global Freedom Score (Freedom House, 2021).

At this point, it is important to make an important clarification regarding the rule of law and impunity variable. One might think that Rule of Law is a variable that is generated within the variable that determines it, that is, within impunity; however, these two variables measure different aspects. Indeed, for the purposes of this paper, impunity measures the functionality of the justice systems, in terms of prosecution of crime and the penitentiary system. On the other hand, rule of law measures aspects related to the impartiality of justice systems, the prevalence of due process, protection against the misuse of force and equality before the law²⁰.

Freedom House reports have been used by various authors to classify democracies. For example, Diamond, Hartlyn and Linz used this index to classify Latin American democracies as liberal or electoral (Diamond, Hartlyn, & Linz, 1999; Levine & Molina, 2007). In another case, Inglehart used the report to determine the levels of democracy achieved by each country, adding scores for political rights and civil liberties (Inglehart, 2003; Levine & Molina, 2007).

INDICATORS OF IMPUNITY

In terms of impunity indicators, this paper is based on the Global Impunity Index (GII)²¹ developed by the Centre for Impunity and Justice Studies (CEIJ). The objective of this report, since its inception in 2015, is to propose a quantitative visualisation of the global problem of impunity. This visualisation is achieved by establishing definitions that make it possible to make the concept of impunity operational and to measure it statistically. This is achieved by adding the dimensions of security, justice, and human rights protection systems (Le Clercq, 2018). The importance given to measuring impunity on its own is due to its relationship with other problems such as socio-economic inequality, access to justice and human rights violations (Le Clercq J. A., 2018; Le Clercq & Rodríguez Sánchez, 2020).

This report consists of two groups of variables that qualify two distinct dimensions that enable, allow, and even incentivise the existence of impunity (Le Clercq, Cháidez, & Rodríguez, 2016). The first is the structural dimension, which captures the installed capacities of the state to procure and impart justice according to the rules of the process. This aspect measures impunity by law. On the other hand, there is the functional dimension, which measures de facto impunity. In other words, the social results that are

²⁰ Something similar could be affirmed with respect to Functioning of Government. One might think that there is endogeneity in relation to impunity, especially when the aspects chosen for this variable are those related to functioning. However, both do not measure the same thing. On the one hand, as noted above, impunity measures the functioning of justice systems, while Functioning of Government measures the functioning of the state apparatus, but without considering the judiciary.

²¹ The Global Impunity Index reports are produced by the Centro de Estudios sobre Impunidad y Justicia and funded by the Universidad de las Américas Puebla.

produced by the functioning and institutional set-up of each country. More precisely, the actual performance of justice system institutions in exercising their function (Le Clercq & Rodríguez Sánchez, 2020).

In the latest edition, IGI 2020, for the Americas region, Guyana was added; however, due to inconsistencies in the information presented, Argentina, Brazil, Dominican Republic, El Salvador, Grenada, Trinidad and Tobago and Venezuela were excluded from the model. These have been classified as countries with statistical impunity, i.e., there is not enough information to qualify them (Le Clercq & Rodríguez Sánchez, 2020).

In terms of its use, this report can be a very useful tool for the analysis of various problems. For example, the Global Impunity Index has been used to determine how the alternation in power has not had the expected impact on the fight against corruption, precisely because of impunity rates, in Mexico (Sandoval, 2018). In the same way, it has been used to analyse how the concept of impunity is important given that its existence has an impact on other social problems such as socio-economic inequality, or access to justice (Le Clercq & Rodríguez Sánchez, 2020; Le Clercq J. A., 2018). In other work, this index has been used to reflect on the possible causes of impunity. The concepts and dimensions of the IGI are used as part of the theoretical framework in which this reflection is developed (Vásquez, 2020).

DATA AND RESEARCH TECHNIQUES

The question that this paper seeks to address is how has the high impunity rate affected the quality of democracy in Latin American countries between 2015 and 2021?

Therefore, the general objective of the paper is to explore the association to gauge the eventual incidence of impunity rates on the levels of quality of democracy in Latin American countries between 2015 and 2021 and the possible patterns in this relationship and in the behaviour of countries in the same time frame.

The geographical framework used for this research was the Latin American region. Specifically, Colombia, Costa Rica, Chile, Ecuador, Guatemala, Guyana, Honduras, Mexico, Panama, Paraguay and Peru were chosen. As for the time frame, the period from 2015 to 2021 has been determined to establish these patterns²².

Data Collection Technique

As for the independent variables referring to impunity, the indicators used in the IGI 2020 are used, but only in the functional aspect. There are four variables from the functional aspect of the IGI 2020 that will be used: a) persons in front of courts among the number of judges; b) persons in front of courts among the number of prosecutors; c) incarcerated among convicted persons; and d) percentage of incarcerated persons without a sentence (Le Clercq & Rodríguez Sánchez, 2020).

²² Regarding the choice of the timeframe and the countries studied, it is necessary to point out that those for which information is available have been chosen, taking the Global Impunity Index as a basis. In this sense, the study begins in 2015 because it is the first year in which one of these reports is issued.

On the other hand, in reference to the dependent variables - quality of democracy - the work will be based on the Freedom House indicators. In this case, all variables will be used, both those grouped under Political Rights and Civil Liberties. In addition, each country's Freedom Rating will also be taken into consideration.

In terms of the timeframe, the last six years have been chosen for analysis. This is mainly because the available data on impunity begins in 2015. Given that what we are looking for is the impact of impunity on the quality of democracy, we assume that the data is prior in time. For this reason, IGI 2015 is related to Freedom in the World 2016, IGI 2017 to FW 2018, and finally, IGI 2020 to FW 2021. In this way, three periods (biennia) are evaluated: 2015-2016, 2017-2018 and 2020-2021.

In the same way, those countries qualified as countries with statistical impunity in the region in the IGI 2020 will not be considered; that is, those in which the information is inexistent or inconsistent enough to qualify them in the same way as the rest. These are Antigua and Barbuda, Argentina, Bahamas, Belize, Bolivia, Brazil, Cuba, Dominica, Dominican Republic, El Salvador, Grenada, Haiti, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago, Uruguay, and Venezuela²³.

Data Analysis Technique

The data collected from both indices will be analysed through Pearson Correlations. This is a technique, used to determine the strength and direction of a linear relationship between two variables, widely used in Political Science. A coefficient called Pearson's correlation coefficient (r) is generated. The range of this coefficient can go from -1, for a perfect negative linear relationship, to +1 for a perfect positive linear relationship. A 0 indicates no correlation at all (Leard Statistics, 2018). These correlations were carried out in the latest version of SPSS (29.0.1.0) and have been analysed based on the Leard Statistics manual.

Each of the four Global Impunity Index variables chosen has been linked to each of the Freedom in the World variables for each of the periods covered by the paper. In this way, possible relationships between the two sets of variables can be established. Even though, the findings shown are only the ones that have been found relevant for this paper. Being said so, the most interesting findings are the ones that correlate the Global Impunity Index and the Freedom Rating, Rule of law, and Functioning of government. It may be understood that, since it is being used the Global Impunity Index, all the variables mentioned in the previous section are included in it.

Although we speak of negative relationships, i.e., the higher the level of one variable, the lower the level of another, it is important to clarify that, in the case of the general indicators, the relationship will be seen as positive. This is because the higher the Freedom Rating, the lower the quality of democracy. Thus, the relationship should be positive, i.e., the higher the level of impunity, the higher the Freedom Rating. This is not the case for the other variables, where the higher the score, the higher the Freedom Rating.

²³ It is true that correlations with reduced N (less than 30 cases) may not conform to the rules of normality of the variables, be problematic and lead to possible biases (Levin, et al., 2016; Bonett & Wright, 2000), which could be reflected in the finding of high non-significant correlation coefficients, but this does not prevent the results of the study from illustrating a problem that can be analysed and extended in future research work, expanding the number of cases with countries outside Latin America. What is certain is that the findings represent a rather interesting indication of what we want to show with respect to the geographical space that we have decided to analyse.

Data Visualisation Technique

Scatter plots made in SPSS will be used to visualise the data. These plots use Cartesian coordinates to display the values of two groups of variables. These plots allow the visualisation of relationships between two groups of variables. The relationships usually analysed by this type of graph are threefold: a) between two factors related to quality, b) between two quality problems or c) between a quality problem and what could be its cause. The latter is the case in this paper, which relates the quality of democracy to impunity, the latter being the possible cause of the problem of the falling quality of democracy in Latin American countries.

PATTERNS FOUND: ANALYSIS AND DISCUSSION

Correlation between Global Impunity Index and Freedom Rating

First, regarding the correlation between the global indices, i.e., between the General Impunity Index and the Freedom Rating²⁴, the following observation can be made. While it is true that for the periods 2015-2016 and 2017-2018 there is no statistically significant correlation (although they are strong correlations)²⁵, there is an increasing trend in both the strength of the correlation and the statistical significance. Thus, for the period 2020-2021, a strong and statistically significant correlation is observed as shown in Table 1.

Table 1

Tendency in the Correlation between the Global Impunity Index and Freedom Rating²⁶

		Years		
		2015-2016	2017-2018	2020-2021
CorrelationGII/FR	Pearson's Correlation (<i>r</i>)	0.58	0.60	0.74
	Statistical Significance (<i>p</i>)	0.128	0.066	0.009

Source. Authors' own elaboration, 2021

This could indicate that, over time, the impact of impunity levels on the quality of Latin American democracies is increasing. This is a trend. It is increasingly observable how, as the impunity index

²⁴ Correlation analysis was also carried out by replacing the Freedom Rating with the Freedom Score, i.e., with the total score without weighting. The result obtained was almost identical with a difference of thousandths and a positive trend. The difference in the trend is because, unlike the Freedom Rating, where the lower the score, the higher the quality of democracy, in the case of the Freedom Score, the higher the score, the higher the quality of democracy.

²⁵ A correlation can be small, medium, or strong. This depends on the Pearson Correlation Coefficient (*r*). When $0.1 < |r| < 0.3$ the correlation is said to be small. The correlation will be medium when $0.3 < |r| < 0.5$. Finally, the correlation will be strong when $|r| > 0.5$. In the case of statistical significance (*p*), a correlation is statistically significant when $p < 0.05$.

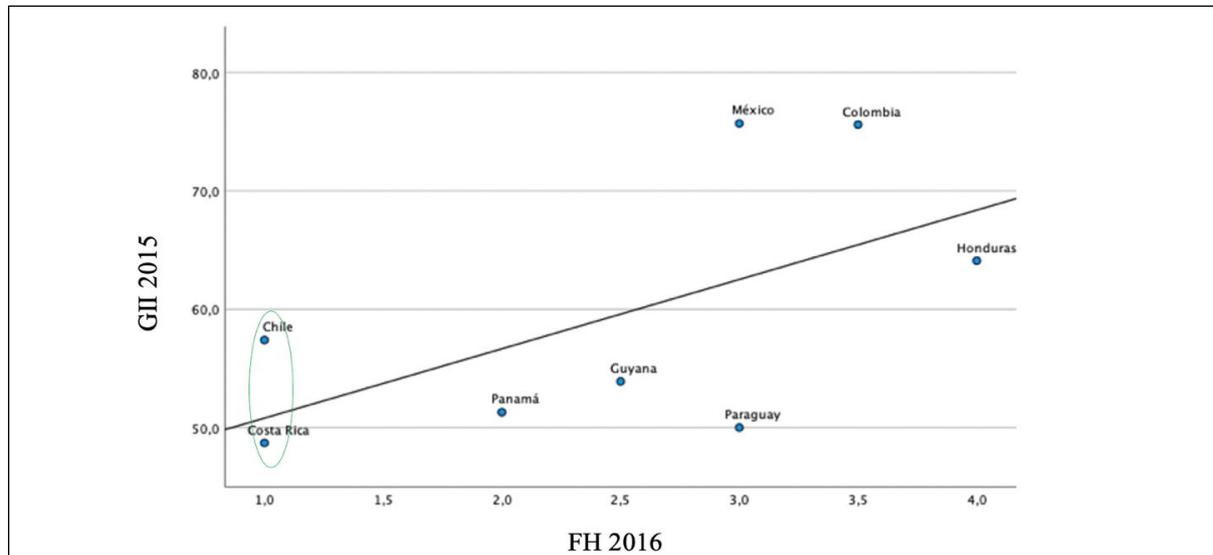
²⁶ A possible indicator that one variable is not contained in the other is precisely that the correlation is not significant in all periods.

increases, so does the Freedom Rating, which, the higher it is, reflects a lower level of quality of democracy²⁷.

The following graphs precisely show the above points and the evolution of the correlation through the periods of time analysed.

Figure 1

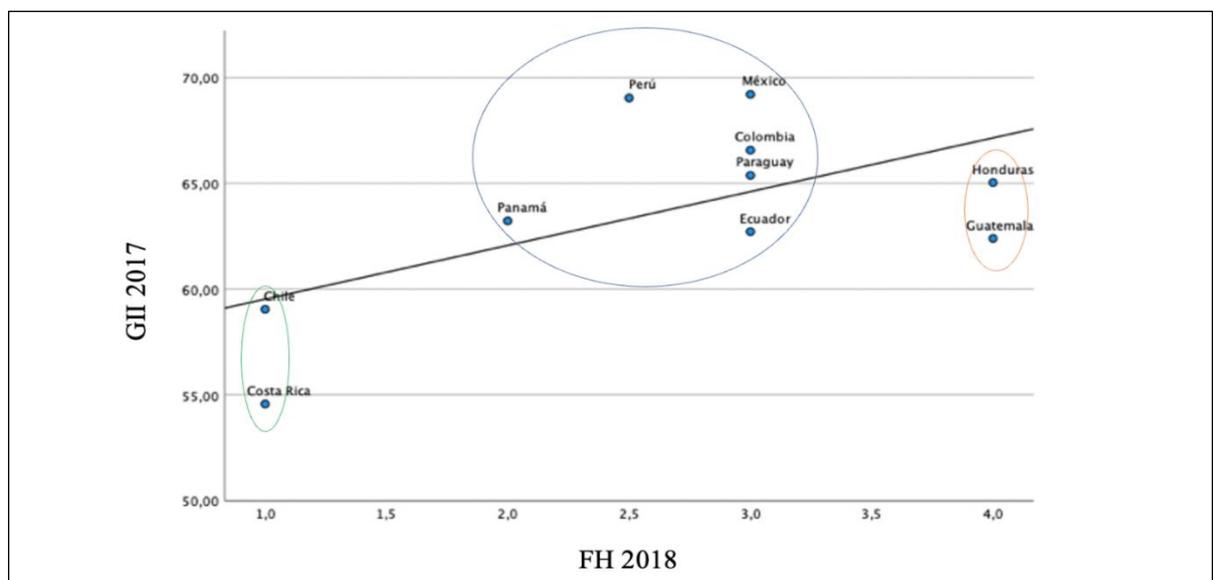
Scatter Plot for the Correlation between Global Impunity Index 2015 and Freedom Rating 2016



Source. Authors' own elaboration, 2021

Figure 2

Scatter Plot for the Correlation between Global Impunity Index 2017 and Freedom Rating 2018

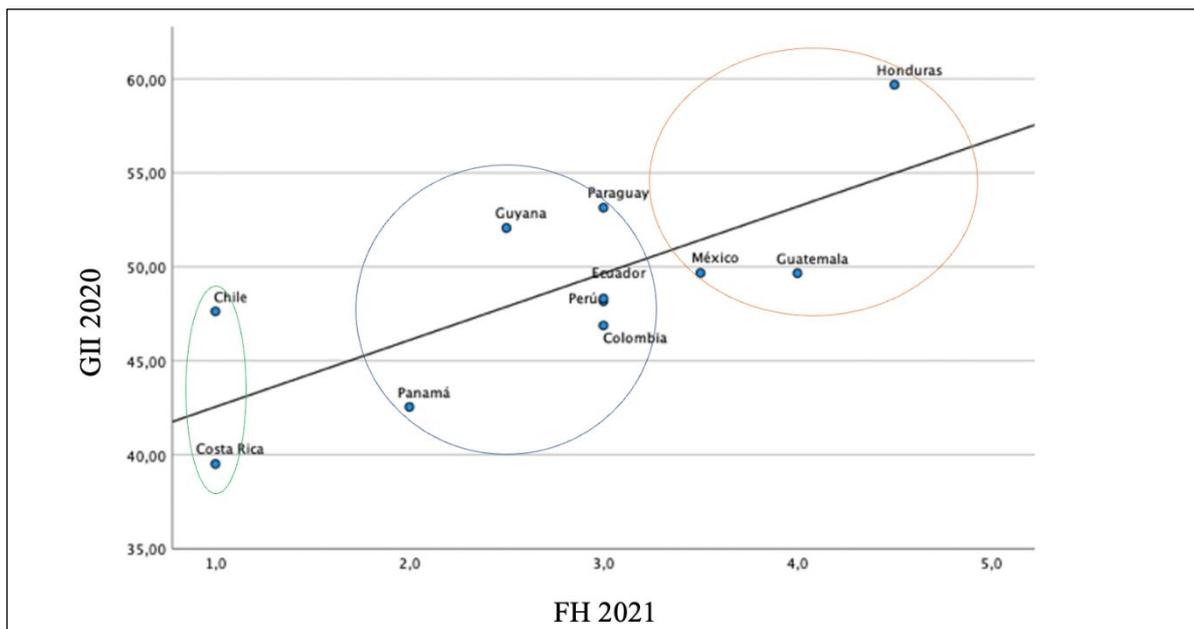


Source. Authors' own elaboration, 2021

²⁷ It should be noted that when one speaks of an increase in impunity, one is referring to a cross-country comparison. This is important since, at a general level, it can be observed that impunity levels tend to decrease with some exceptions.

Figure 3

Scatter Plot for the Correlation between Global Impunity Index 2020 and Freedom Rating 2021



Source. Authors' own elaboration, 2021

Firstly, in the 2015-2016 period, the correlation was not as relevant. The points in the graph are very scattered. This means that, although the positive relationship is visible and strong, it is not strong enough ($r = 0.58$; $p = 0.128$) to show clearly. In contrast, in the last graph, which belongs to the period 2020-2021, the dots show a smaller dispersion. This shows a strong and statistically significant correlation ($r = 0.74$; $p = 0.009$). In other words, following the trend in the last period studied, it can be clearly seen that the higher the level of impunity, the higher the Freedom Rating. This would mean that the decline in democratic quality would be related to the increase in impunity in the region (considering the aforementioned "functional" variables)²⁸.

This is linked to what was said above. In a democratic rule of law, the responsibility for guaranteeing the exercise and recognition of citizens' rights lies with the institutions (Carrillo-Flórez, 2006). Impunity impedes the effective development of these institutions and hinders their proper functioning. Thus, the development of the democratic state is limited by the unpunished action of political and economic power groups (Domingo, 2006). In this way, the proper functioning of public administration, which is responsible for public services, the protection of citizens' rights, as well as their promotion and development, is undermined (Torres, 2019). In this sense, there are many "illiberal democracies"²⁹ that attempt to combine competitive elections and civil participation with a messy and poorly respected legal system that serves as an instrument for the abuse of power³⁰; however, this is a combination that clearly undermines their democratic character (Diamond & Morlino, 2004).

²⁸ It should be reiterated that this is a multi-causal relationship.

²⁹ These "illiberal democracies" can be understood as the hybrid regimes

³⁰ Diamond and Morlino's text in English use the term "lawlessness", which literally translates as disorder or lawlessness; however, for the purposes of this paper, the term has been defined as a disorderly and disrespected legal system that serves as an instrument for the abuse of power.

As for the behaviour of the countries, for the first period, no clear groupings can yet be observed. This is due to the dispersion of the data and the absence of an observable linear relationship. The only exception is the group formed by Chile and Costa Rica.

In the second period, three groups can be observed. Mexico and Paraguay have had a behaviour close to the group of Andean countries, Panama, and Guyana. As can be seen in the graphs, in the 2017-2018 period, Mexico and Paraguay recorded levels similar to those of Colombia, Ecuador, Peru and Panama. These countries, in this period, registered impunity levels between 60 and 70 points. In other words, the highest levels in the region. Within this group, Mexico and Peru have the highest levels of impunity, while Ecuador has the lowest in the group. Finally, in this same period, it can be observed that Chile and Costa Rica show the lowest levels of impunity and the highest levels of quality of democracy.

It is interesting to note that, although the cluster of Andean countries, Panama, and Guyana - and in this case Paraguay and Mexico - is the group with the highest level of impunity, it is not the group with the lowest level of democratic quality. The group that clearly has the lowest democratic quality is the Central American countries, despite having lower levels of impunity than Mexico or Peru. However, this could be explained by the fact that Honduras and Guatemala have, as already mentioned, governments with lower democratic quality. A divergence between the variables could be noted here. In this case, it is not the countries with the highest impunity that have the lowest democratic quality. In this relationship, freedoms and rights measured in terms of the quality of democracy go one way and judicial dysfunction measured in terms of impunity goes the other. In the Guatemalan case, the active nature of the International Commission Against Impunity in Guatemala³¹ (during its term) may have had a positive influence.

Finally, in the 2020-2021 period, the groups are made up as follows: Chile and Costa Rica; Andean countries, Guyana, Panama, and Uruguay; and finally, countries of the Central American Northern Triangle³² and Mexico. It should be noted that, in general, all countries reduced their levels of impunity. This is a trend over the periods studied. In the first period, the highest levels are close to 80 points. These correspond to Mexico and Colombia. In the second period, the highest levels drop and are very close to 70 points, which correspond to Mexico and Peru. Finally, in the last period, they drop even further to around 60 points. This time, the highest level is that of Honduras³³. It is paradoxical that, despite the reduction in the functional nature of impunity, this is the biennium in which linearity emerges most clearly.

³¹ The International Commission Against Impunity in Guatemala (ICAIG) was an independent international body established by an Agreement between the United Nations and the State of Guatemala in 2007, in response to a request for assistance from the Guatemalan government. ICAIG's objective was to support and strengthen Guatemalan state institutions responsible for the investigation and prosecution of crimes committed by illegal bodies and clandestine security apparatuses (ciacs): criminal groups that infiltrated state institutions, fostering impunity, and undermining the democratic gains achieved in Guatemala since the end of the internal armed conflict in the 1990s. The Commission's mandate has had four extensions: the first from 15 April 2009 to 4 September 2011; the second from 4 September 2011 for up to two years; the third extension was from 4 September 2013 to 3 September 2019; finally, the last extension was from 4 September 2013 to 3 September 2019. (ICAIG, 2019)

³² The Northern Triangle of Central America is made up of Guatemala, Honduras, and El Salvador. These three countries tend to behave in a very similar way given that they share historical and political characteristics. For example, all three countries have governments that are considered authoritarian (Hernández, 2019).

³³ This reduction refers to the countries as a whole; however, there are some countries that increase their levels of impunity. This is the case of Panama and Paraguay, which from 2015 to 2017 increased their level of impunity, as can be seen in the graphs.

Correlation between the Global Impunity Index and Rule of Law³⁴

In a similar behaviour to that described above, for the period 2015-2016, the correlation between IGI and Rule of Law can be considered strong; however, it does not become statistically significant ($r = -0.53$; $p = 0.180$). However, for the period 2017-2018, the strength of the correlation increases and becomes statistically significant ($r = -0.70$; $p = 0.024$). Finally, by 2020-2021, the correlation is strong and highly significant ($r = -0.78$; $p = 0.005$).

Table 2

Tendency in the Correlation between the Global Impunity Index and Rule of Law

		Years		
		2015-2016	2017-2018	2020-2021
Correlation IGI/Rule of Law	Pearson's Correlation (r)	-0.53	-0.70	-0.78
	Statistical Significance (p)	0.180	0.024	0.005

Source. Authors' own elaboration, 2021

As can be seen, there is a similar trend to that of the general indicators. However, in this case, the correlation becomes statistically relevant from the second period studied. This would be reflecting a greater importance compared to the previous relationship.

Figure 4

Scatter Plot for the Correlation between Global Impunity Index 2015 and Rule of Law 2016



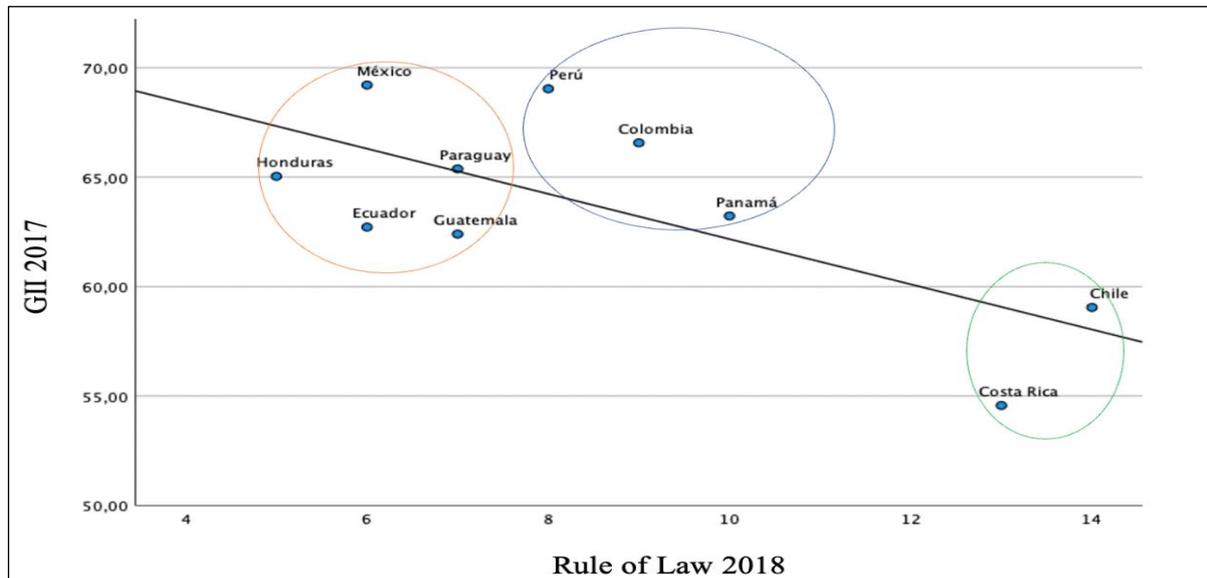
Source. Authors' own elaboration, 2021

³⁴ Although there may appear to be endogeneity in the correlation analysis, it is important to do so to find possible patterns. It is also important to note that impunity and rule of law, for the purposes of this research, are not the same concepts. On the one hand, impunity, which has been used in this paper, measures the functionality of justice systems, especially in terms of the prosecution of crime. On the other hand, rule of law measures the fairness of justice systems, the prevalence of due process, protection against the misuse of force and equality before the law. It is also interesting to note the difference between *Estado de Derecho* and Rule of Law. Basically, the difference lies in the fact that, in contrast to the *Estado de Derecho*, Rule of Law only refers to the action of the courts in common law systems. This is due to the power that such a legal system grants to the courts (O'Donnell, 2004).

As can be noted in the graph above, the correlation between the two indicators is not exactly clear in the period 2015-2016. Despite this, a certain negative correlation could be seen. That is, the higher the level of impunity, the lower the score on the rule of law. In the next two graphs, the correlation is stronger and statistically relevant. Moreover, the clusters of countries can be seen more clearly.

Figure 5

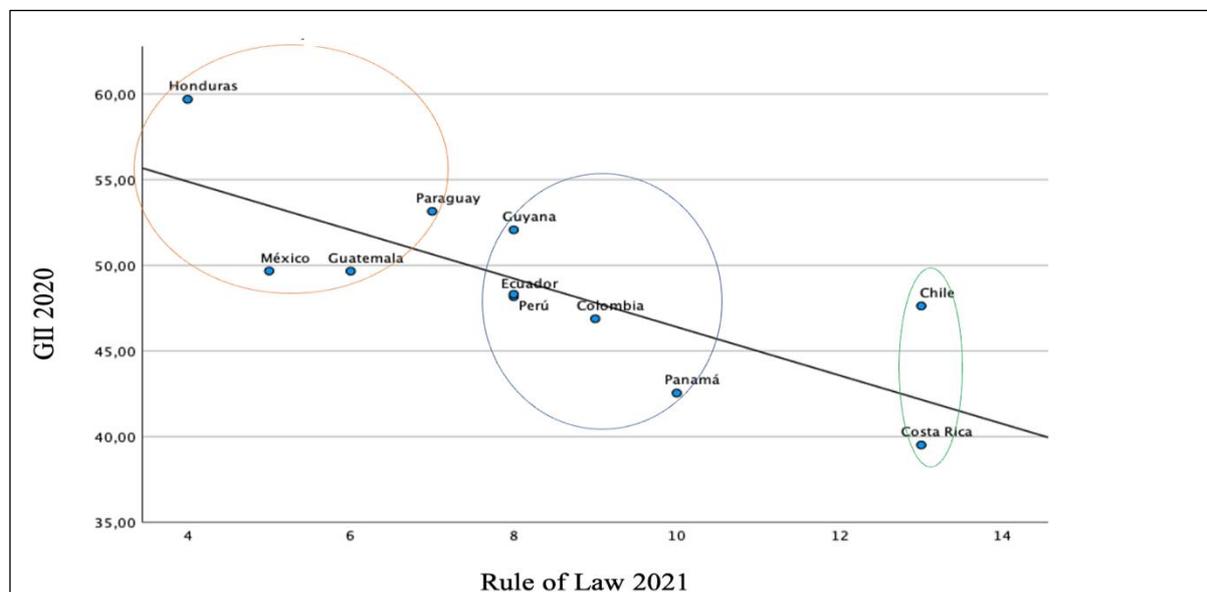
Scatter Plot for the Correlation between Global Impunity Index 2017 and Rule of Law 2018



Source. Authors' own elaboration, 2021

Figure 6

Scatter Plot for the Correlation between Global Impunity Index 2020 and Rule of Law 2021



Source. Authors' own elaboration, 2021

Impunity is interlinked with other problems, for example, the weakness of the rule of law. This is arguably reasonable as long as impunity implies a certain disregard for the rule of law³⁵. This is evidence of the importance of justice as an element of the rule of law in relation to democracy and implies the possibility of judicially challenging the legality of government activity (Levine & Molina, 2007). Without a strong rule of law, defended by an independent and impartial justice system, the rights of individuals cannot be safe, and the fairness and dignity of all citizens are at constant risk (O'Donnell, 2004).

This area is linked to the quality of democracy also in that a weak rule of law can mean that the participation of the poor and marginalised is all but suppressed. As well as individual rights not being guaranteed or many civil groups not being able to organise themselves. In addition, powerful and influential groups can be unduly favoured. Corruption and abuse of power are encouraged. It makes political competition unfair and hinders accountability, both horizontally and vertically (Diamond & Morlino 2004). In short, the undermining of the rule of law is an undermining of the quality of democracy as a whole.

It is worth returning to a point that has already been made. In Latin America, the level of corruption is linked to the level of judicial ineffectiveness³⁶. When the judicial system is effective and honest, corruption levels tend to decrease. Conversely, high levels of corruption indicate a judicial system that is ineffective in holding a government accountable (Levine & Molina, 2007). This is part of impunity. However, it is not only a justice system that is incapable of holding a government accountable. It is also a system that fails to provide justice.

The proper functioning of the justice system is of utmost importance since the conditions for an optimal rule of law - and thus a quality democracy - cannot be built *ex nihilo*. It is precisely the strengthening of the judicial system and the search for its proper functioning and impartiality that is the perfect approach to the problem (Diamond & Morlino, 2004).

However, the problem that arises in this relationship is not reduced exclusively to the functioning of justice systems. The rule of law has to do with more aspects such as accountability; fair, clear, and public laws; transparency in the actions of government, both executive, legislative, and judicial (World Justice Project, 2021).

As for the behaviour of the country groups, in the first period they are not clearly formed. This, as mentioned above, is due to the dispersion of the data and the absence of a clear linear relationship. However, Chile and Costa Rica move in close sectors in the graph. In addition, it is seen that Panama and Guyana are very close, which already indicates a similar behaviour.

³⁵ There is a sort of tradition in Latin America of ignoring or bending the law to favour the strong and oppress the weak. O'Donnell illustrates this with the example of an Argentine businessman who once said, "to be powerful is to have impunity", thus showing a deep-rooted feeling that following the law voluntarily is something only a fool would do and that being subject to the law is nothing more than a sign of social weakness (O'Donnell, 2004). A weak rule of law creates a permissive environment for political corruption, unfair political competition in the absence of judicial oversight and prevents citizens' demands for political accountability from going unheard (Pérez-Liñán & Smith, 2018).

³⁶ Throughout most of Latin America, judicial systems are too distant from the people, cumbersome, expensive, and slow for a poor or vulnerable person to even attempt to access them (O'Donnell, 2004).

In the second period, the clusters are already clearly visible. The Andean countries - except for Ecuador - together with Panama, appear in the graph between 60 and 70 points for impunity and between 8 and 10 points for Rule of Law. In this group, the country with the highest level of impunity is Peru, which at the same time has the lowest Rule of Law score in the group. The correspondence between the two levels can be observed. The group of Central Americans, Paraguay, and Mexico, joined by Ecuador, is the group with both the highest levels of impunity and the lowest rule of law scores. The country with the highest level of impunity in this group is Mexico, which scores close to 70 points. However, it is not Mexico that has the lowest level of Rule of Law. The country with the lowest level on this axis is Honduras, located around 5 points. Finally, the group with the best levels is Chile and Costa Rica.

As for the 2020-2021 period, the patterns remain the same. In this period, Ecuador is already in the Andean group. Peru and Ecuador register an improvement of almost 20 points in terms of their level of impunity. However, Peru does not register major changes in its level of Rule of Law. Ecuador, on the other hand, shows an improvement in the level of this variable. As for the group of Central American countries, Mexico, and Paraguay, it is worth noting that Mexico shows a substantial improvement in its impunity levels, although this is not reflected in its Rule of Law level³⁷. As for Honduras, a movement to the left is observed, which translates into a worsening of its rule of law. Finally, Chile and Costa Rica continue to register the best levels in the region.

Correlation between the Global Impunity Index and Functioning of Government

In the previous cases, the correlation in the first period, 2015-2016, was strong but not statistically significant. In this case, for the first period, the correlation is not strong enough to be considered; then, as the periods studied progress, the strength increases and the statistical significance increases.

In the first period, the correlation is neither strong nor significant; in the second period it is strong and significant; and in the last period, the strength is reduced, albeit minimally, and the significance remains the same.

Table 3

Tendency in the Correlation between the Global Impunity Index and Functioning of Government

		Years		
		2015-2016	2017-2018	2020-2021
Correlation IGI/Functioning of Government	Pearson's Correlation (<i>r</i>)	-0.19	-0.71	-0.68
	Statistical Significance (<i>p</i>)	0.647	0.021	0.021

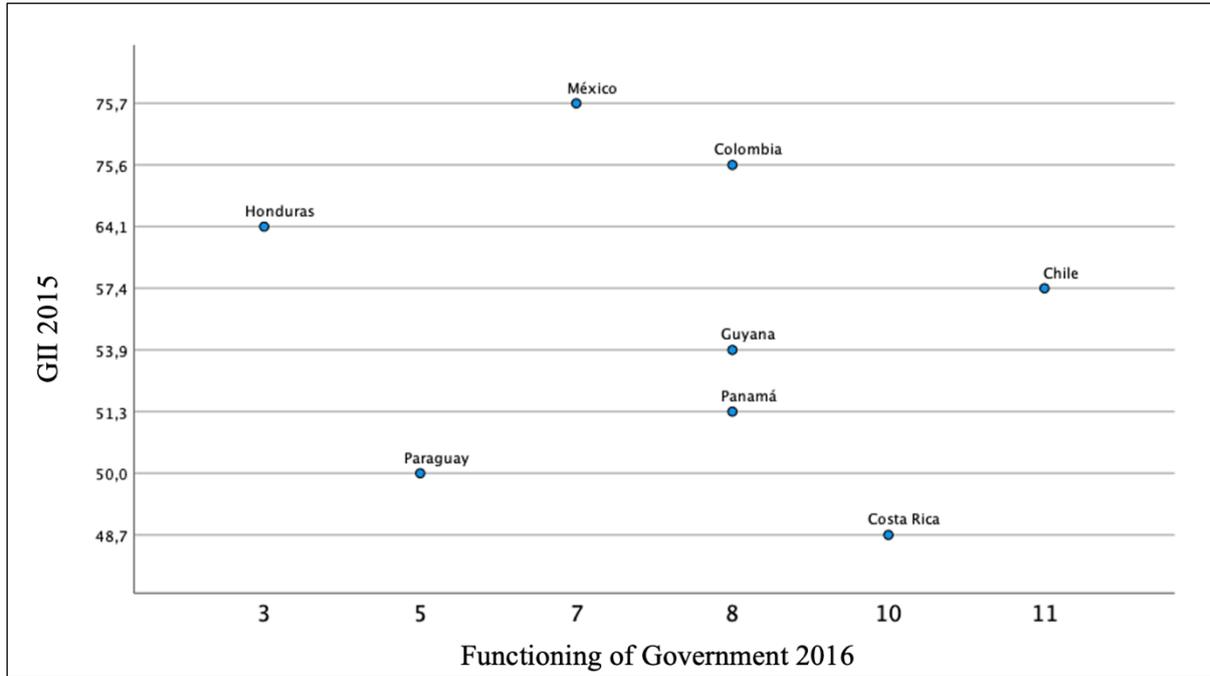
Source. Authors' own elaboration, 2021

It is true, as can be seen, that in the last period, the strength of the correlation decreases; however, the decrease is very small, so it could be said that the trend continues.

³⁷ This divergence may have to do with Mexico's internal violence problems, as well as its corruption rates; however, it is noteworthy that in this period the country has reduced its levels of impunity. Another possible explanation for this divergence is that, while impunity is decreasing, it may take longer for the reduction in the levels of rule of law to be reflected.

Figure 7

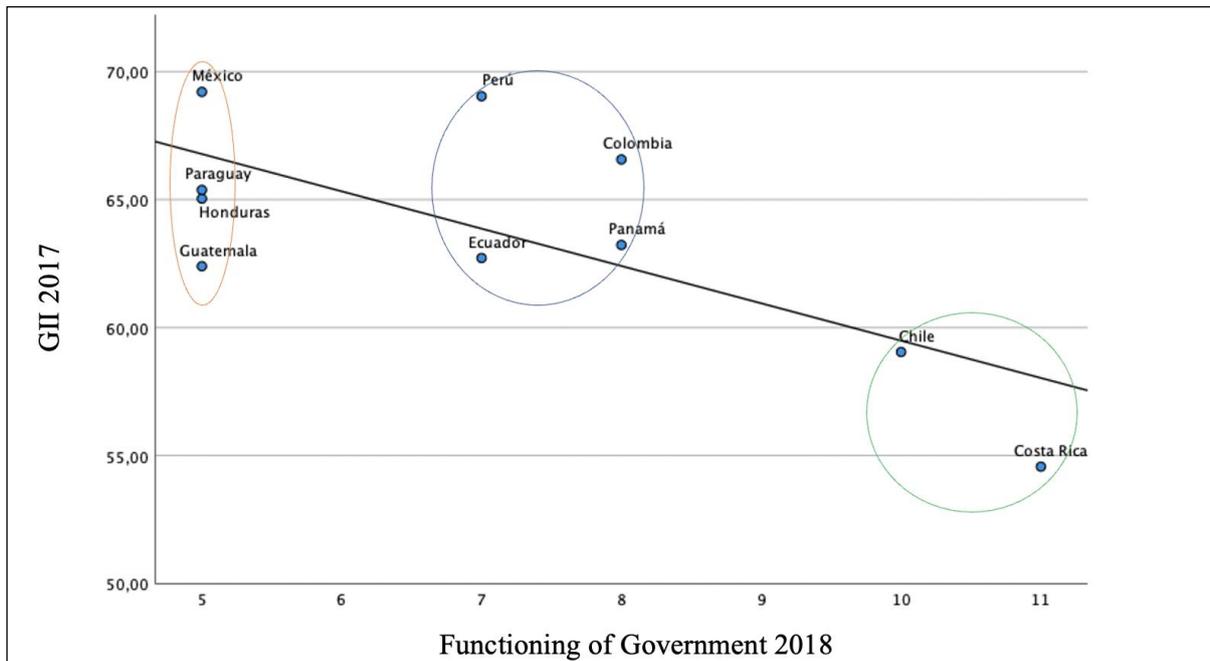
Scatter Plot for the Correlation between Global Impunity Index 2015 and Functioning of Government 2016



Source. Authors' own elaboration, 2021.

Figure 8

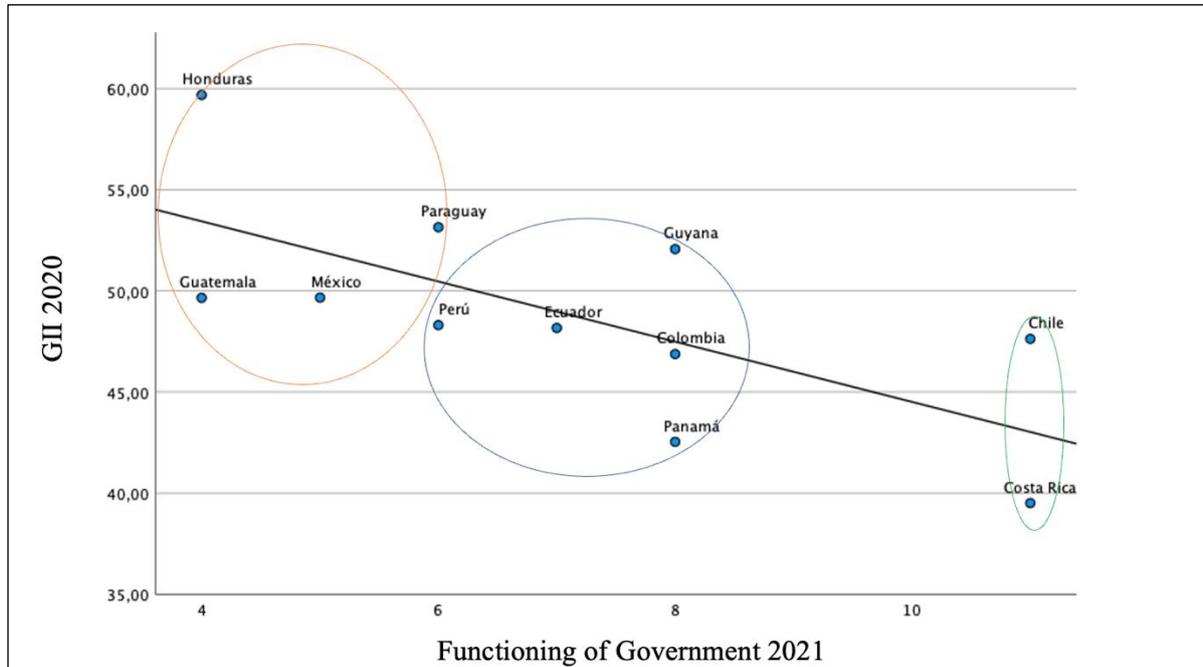
Scatter Plot for the Correlation between Global Impunity Index 2017 and Functioning of Government 2018



Source. Authors' own elaboration, 2021.

Figure 9

Scatter Plot for the Correlation between Global Impunity Index 2020 and Functioning of Government 2021



Source. Authors' own elaboration, 2021.

The relationship between the level of impunity as shown in Figure 9 and the functioning of government is clear. The higher the level of impunity, the more poorly the government functions. It should be said that the dimension of government functioning refers to the freedom of elected authorities, both at the executive and legislative levels, to determine policies and do their work without interference; whether the government is not permeated by corruption; and whether the government is subject to horizontal and vertical accountability, which includes transparent and open performance (Freedom House, 2018).

It has been said before that acts of corruption undermine the functioning of public administration and the seriousness of this is that public administration is responsible for public services, the protection of citizens' rights, as well as their promotion and advancement (Torres, 2019). This is a much greater problem in circumstances of disaster, since in these cases the extraordinary flow of resources and the mechanisms of immediate contracting and reduction of institutional controls to deal with the emergency facilitate acts of corruption. This affects the proper administration of basic services and necessary care required by the population³⁸ (Biderbost, Boscán, and Rochin, 2020).

Impunity is a multidimensional phenomenon that involves corruption, unequal access to justice systems or serious human rights violations (Le Clercq, 2018). This relationship between impunity and government functioning highlights the deterioration of political institutions and their inability to guarantee conditions of security, justice, and respect for human rights (Le Clercq, Cháidez, & Rodríguez, 2016).

³⁸ Nothing better illustrates the disenfranchisement of the poorest and most vulnerable than the occasions when they have to engage with the state bureaucracy to get a job, a work permit, retirement pensions or simply when they have to go to a hospital or a police station. For those who do not have the option of escaping state services, it is immensely difficult to obtain what is a right (O'Donnell, 2004).

Regarding the behaviour of the various groups, it should again be noted that for the first period it is impossible to establish patterns, especially since, in this case, the correlation is not strong. The data are extremely scattered. The only case in which some similar behaviour could be established is that of Guyana and Panama. Both countries, which for the purposes of this paper have been grouped with the Andean countries, are located very close to each other. This shows similar levels.

In the second period, the three groups of countries can be seen very clearly. Among the Andean countries, Peru has the highest level of impunity and the lowest level of government functioning. In terms of the latter variable, Ecuador registers a level very similar to that of Peru, despite having a lower level of impunity. Colombia and Panama are also very similar. With respect to the group of Central American countries, Mexico, and Paraguay, the latter and Honduras show almost identical behaviour. Mexico shows the highest level of impunity and Guatemala the lowest. Despite the differences in the levels of impunity, the four countries in this group have an almost identical level of government functioning, which is close to 5 points. It is worth noting that these are the countries with the lowest levels of impunity. Chile and Costa Rica maintain the same pattern seen throughout the analysis.

Finally, in the last period, Peru, Ecuador, and Colombia present a very similar level of impunity; however, they differ in the level of government functioning. Within this same group, Guyana, Colombia, and Panama present a very close level of functioning but differ in the level of impunity; the latter three present the best functioning of government. On the other hand, the Central American countries, Mexico, and Paraguay are dispersed in the graph, although they can still be identified as a group with similar behaviour. The four countries in this group have the lowest scores on this variable. Finally, the group formed by Chile and Costa Rica confirms their pattern of behaviour, presenting the best functioning of government along with the lowest levels of impunity.

CONCLUSIONS

In conclusion, it is pertinent to point out the patterns that have been observed throughout this research. In this sense, we will first point out the patterns in the relationships between variables. Then, the patterns in the performance of the countries will be pointed out.

When dealing with the relationship between the Global Impunity Index and the Freedom Rating, it has been possible to establish that the impact of the level of impunity on the level of quality of democracy can be seen more clearly as the periods studied progress. As time progresses, the correlation becomes stronger and statistically significant. This means that, when the countries are evaluated as a whole, as levels of impunity increase, the level of quality of democracy tends to decrease.

With respect to the relationship between IGI and Rule of Law, it could be established that the trend of this is similar to that between the global indices. In this case, it started with a strong, but not statistically significant correlation. For the last period, the correlation is much stronger and statistically significant. This means that the higher the level of impunity, the weaker the rule of law. As for the relationship between IGI and government functioning, the trend is very similar. It starts with a weak correlation in this case and is statistically non-significant. In the next two periods, strong and statistically significant correlations are observed. This means that impunity impedes the proper functioning of governments in terms of the management of basic services, justice systems, and the inclusion of vulnerable populations, among others.

A final general assessment regarding levels of impunity is that the trend has been to decrease over time. It is important to stress, once again, that this is a conclusion drawn when looking at the countries as a whole. If you look at them one by one, there are certain countries that are increasing their levels of impunity³⁹.

It is also relevant to point out that there is not always convergence in the patterns. This has been seen in cases where the countries with the highest level of impunity are not those with the lowest quality of democracy, which is also a factor that may allow us to say that there is no endogeneity or, if there is, it is minimal.

In terms of country performance patterns, three groups could be established. The first and largest group is made up of the Andean countries⁴⁰ (Colombia, Ecuador, and Peru), plus Panama and Guyana. The second group is made up of the Central American countries, specifically two countries from the northern triangle of Central America⁴¹ (Guatemala and Honduras), to which are added Mexico and Paraguay. Finally, there is a third group made up of Chile and Costa Rica.

The first group - perhaps the clearest - made up of Chile and Costa Rica, has very similar levels in all the variables studied. They are the ones with the best scores in the region; that is, lower levels of impunity and higher levels of democratic quality. This group could be called Low Impunity-High Quality (Low-High). With respect to this group, particularly Chile, it is pertinent to point out the paradox reflected in the discontent of its citizens that led to the protests of 2019 despite having such good levels on both indicators.

The second group is made up of the Andean countries - Colombia, Ecuador, and Peru - which have been joined by Guyana and Panama. In this group, not all members are always together. There are some periods or some variables in which some of the countries in this group move to another group. This is the case, for example, of Ecuador in the period 2017-2018 in the relationship between GII and Rule of Law. At this point in the analysis, Ecuador registers a behaviour more like the group of Central American countries - which will be mentioned below. This group could be named Medium Impunity-Medium Quality (Medium-Medium).

Finally, the third group is made up of the countries of Central America's Northern Triangle - specifically Honduras and Guatemala - to which Mexico and Paraguay have been added. In this group, only Honduras and Guatemala are always together⁴². Mexico and Paraguay in some periods move to the group of Andean countries, Guyana, and Panama. This is the case of the correlation between the global indicators in the periods 2017-2018 and 2020-2021. In the 2017-2018 period, both countries are in the Andean group. In the period 2020-2021, Mexico enters the group in which it has been placed and

³⁹ These are the cases of, for example, Paraguay, which in 2015 recorded an impunity level of 50 and in 2017 recorded just over 65. The same happens with Panama, which goes from around 50 impunity points to around 65 points. The same can be said of Costa Rica, which goes from less than 50 points to almost 55 points of impunity.

⁴⁰ Bolivia, Ecuador, Colombia, and Peru make up the Andean Community, "a community of countries that come together voluntarily with the aim of achieving integral, more balanced and autonomous development through Andean, South American and Latin American integration". (Andean Community, 2020)

⁴¹ The group of Andean countries, Colombia, Ecuador, and Peru, together with Guyana and Panama, are shown in blue in all the graphs. The group of Central American countries, Guatemala, and Honduras, together with Mexico and Paraguay, are shown in orange. Finally, the group comprising Chile and Costa Rica is highlighted in green.

⁴² It can be said that, for the aspects studied in this paper, the grouping known as the "Northern Triangle of Central America" would work well, as at least two of the three countries in this group behave in a very similar way.

Paraguay remains in the Andean group. In the following research, both countries remain in the group with the Central American countries. It is worth noting that it is these countries that have the most worrying scores. They have higher levels of impunity and lower levels related to the quality of democracy. This group can be called, conversely to the first group, High Impunity-Low Quality (High-Low).

The relationship between impunity and the quality of democracy implies negative externalities at the systemic level. It is for this reason that it must be addressed (to bring about its extinction) by both the public and private sectors. As for the public sector, perhaps the best way to start is to try to make the performance of the justice system more efficient. An important step in this area would be the digitisation of its procedures. This would imply better levels of transparency in judicial processes and would make it more difficult for acts of corruption that foster impunity. Another necessary change is to halt the abusive use of pre-trial detention. The unsentenced prison population is very high throughout the region. This contributes, on the one hand, to the collapse of prisons and, on the other hand, to a potentially politically biased functioning of justice. Similarly, the procedural burden on judges and prosecutors can be reduced or streamlined through digitisation, which would make the justice system work better, faster, and more effectively.

Attention to the transformation of the justice system is a first and fundamental step. However, changes are required across the board to combat the problem. Regarding digitisation, for example, this should not be limited to the justice system. Tendering and contracting processes, personnel hiring, budget allocations, among others, should also be digitised to facilitate transparency. In this regard, Honduras is a good example to follow. In this country, the private sector collaborated with the public sector to create a "social audit" mechanism to monitor tendering and procurement processes (World Justice Project, 2021). In fact, in 2020, Honduras obtained the lowest historical score in Transparency International's Corruption Perceptions Index (Transparency International, 2021).

This study has sought to establish and analyse the relationships between impunity and the quality of democracy. This is a very useful tool for understanding these phenomena in Latin America to combat them. In this way, it has been possible to clarify a possible reason for the low levels of quality in the region's democracies. A theoretical interpretation of the results has also been achieved. This interpretation links existing theories with the data studied in this research.

However, two specific limitations can be recognised. The first relates to the data, the second to the statistical technique used. Firstly, the Global Impunity Index is an indicator that was started in 2015 and whose data has not been collected every year on a regular basis. For this reason, it has been necessary to use time periods according to the years in which this index was conducted. In addition, the IGI excludes from its study several countries in the region that would have been interesting to know. Similarly, it would have been interesting to know data from previous years to establish more clearly the patterns that have been discussed. Secondly, although it has been possible to establish strong and significant statistical correlations, these do not necessarily imply a cause-effect relationship. There are factors external to the relationship that would also have to be considered at the level of each of the countries studied. This could be studied by "splitting" the state into different levels of government - e.g., local, regional, national - and analysing the evolution of the figures in terms of the evolution of different periods of government.

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